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August 18, 1997

RECEIVED

AUG 18 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

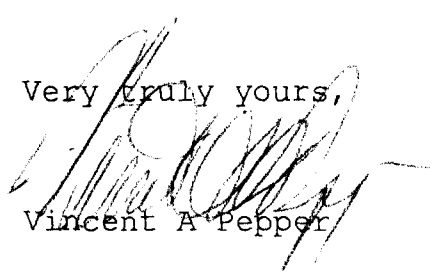
Re: MM Docket No. 97-130
RM-8751

Dear Mr. Caton:

Transmitted herewith on behalf of Gillbro Communications Limited Partnership, the licensee of Radio Station KTWA(FM), Ottumwa, Iowa, is an original and four (4) copies of its Comments concerning the above-referenced proceeding.

Should any further information be desired in connection with this matter, please communicate with this office.

Very truly yours,


Vincent A. Pepper

Enclosures (5)

cc: Sharon P. McDonald, Esq. - FCC (w/encl)
Dawn M. Sciarrino, Esq. (w/encl)
Donald E. Ward, Esq. (w/encl)

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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AUG 18 1997

FEDERAL COMMUNICATIONS COMMISSION
DEPT. OF THE TREASURY

In the Matter of)	
)	
Amendment of § 73.202(b))	Docket No. 97-130
Table of Allotments)	
FM Broadcast Stations)	RM-8751
(Galesburg, Illinois))	

To: Chief, Allocations Branch

COMMENTS OF GILLBRO COMMUNICATIONS LIMITED PARTNERSHIP

COMES NOW, Gillbro Communications Limited Partnership ("Gillbro"), the licensee of Radio Station KTWA(FM), Ottumwa, Iowa, by its attorneys, hereby respectfully submits its Comments in support of the Engineering Data requested by the Federal Communications Commission relating to the Counter-Proposal filed by Gillbro in the above-captioned proceeding. These Comments and the accompanying engineering data provide overwhelming evidence supporting the grant of Gillbro's application for a one-step upgrade to substitute Channel 224C2 for Channel 224A, (BPH-960322IC) and the denial of Galesburg Broadcasting Company's ("Galesburg") proposal to substitute Channel 224B1 for Channel 224A at Galesburg, Illinois.

Background

Gillbro filed its application for a one-step upgrade on March 22, 1996. In accordance with Commission policy, this application was treated as a counter-proposal to Galesburg's Petition for Rule Making, which was filed on January 16, 1996. See Conflicts Between Applications and Petitions for Rulemaking to Amend the FM Table of Allotments, 7 FCC Rcd 4917 (1992).

The Commission released a Notice of Proposed Rulemaking on May 16, 1997, noting that the application of Gillbro's and the Petition for Rulemaking by Galesburg were mutually exclusive. As such, the Commission requested that Galesburg provide an engineering analysis discussing the gain area created by their proposal, along with any potential loss area created by amending the FM Table of Allotments. At the same time, the Commission noted that it would request the same information from Gillbro when its application appeared on public notice, which it did, on August 1, 1997.

Discussion

The Commission processes mutually exclusive applications and proposals to amend the allocation table by comparing the competing proposals under four criteria. First established in 1982, this comparative process gives a strong preference for the provision of a first full-time aural service to a community. If full-time aural service is already offered, the Commission will then compare the provision of a second full-time aural service to a community, with a competing proposal to provide the first local service, and generally grant the proposal which will serve the highest population. In re Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982).

If neither of these criteria apply, then the Commission compares the proposals with respect to other public interest considerations, including "the number of aural services received in the proposed areas, the populations benefiting from increased service, and other such matters." Greenup, Kentucky, and Athens,

Ohio, 2 FCC Rcd 4319, 4321 (1987) Specifically, the Commission first examines the number of services that currently serve the community. There is a presumptive favoring of those applications that would offer service to "underserved" communities, i.e. those communities with less than 5 aural stations. In both Seymour and Pigeon Forge, Tennessee, 2 FCC Rcd 2016 (1987) and Blanchard, Louisiana and Stephens, Arkansas, 8 FCC Rcd 7083 (1993), the FCC first examined the level of aural service. After this review, the Commission compares the increase in service to the community. Under these circumstances, the Commission generally grants those proposals which have the greatest expanded service areas.¹

As the attached engineering information displays, Gillbro's application to upgrade its facilities to a Class C2 station will dramatically increase its service to the public.² Not only will its application increase Station KTWB's service area by 46,707

¹ Id. at 4321; The Commission has a long history of favoring those proposals that would expand service to the greatest population. See Okmulgee, Nowata, Pawhuska, Bartlesville, Bixby, Oklahoma, Rogers, Arkansas, 10 FCC Rcd 12,014 (1995)(winning proposal reached 102,605 more persons), Ashland, California, Rolla and Monroe City, Missouri, 8 FCC Rcd 1799 (1993)(winning proposal reached 8,562 more persons), Bowling Green and Elizabethtown, Kentucky and Ferdinand, Indiana, 8 FCC Rcd 2097 (1993)(winning proposal reached 4,481 more persons), Rocky Mount, North Carolina, 8 FCC Rcd 6206 (1993)(winning proposal reached 24,347 more persons), Spring Grove and Preston, Minnesota, and Mason City, Iowa, 4 FCC Rcd 5738 (1989)(winning proposal reached 1,395 more persons).

² Although Station KTWB(FM) currently operates at 3 kW ERP, the FCC requires the comparison of gain service as if the competing stations were operating with maximum facilities. Thus, although the expansion of service is considerably larger in reality, the figures listed above assume that Station KTWB(FM) is currently operating at 6 kW. See Amendment of Part 73 of the Rules to Provide for an Additional FM Station Class (Class C3) and to Increase the Maximum Transmitting Power for Class A FM

persons and 3,523 square kilometers, 629 persons will gain their fourth aural service, and 9,634 will gain their fifth aural service. Further, there is no loss of service to the community currently receiving KTWA(FM)

By contrast, Galesburg's proposal would only increase service by 38,553 persons, 8,154 less than Gillbro's application.³ Galesburg's proposal will also remove service from 1,993 persons currently receiving its service. Further, Galesburg's proposal would only provide a portion of the public its sixth aural service, except 13 persons, who would receive their fifth aural service.

Therefore, under Pigeon Forge and its progeny, the Commission should grant Gillbro's application because it will offer service to a community that is underserved. Since Galesburg's proposal will only offer the vast majority of its increased population a sixth aural service or more, Gillbro's application is the preferred proposal.

However, even were service to the underserved community not sufficient to merit approval, by utilizing the fourth criteria, the Commission must grant Gillbro's application to upgrade to a Class C2 station. The overall growth in service will be 8,154 persons. This growth in service, as compared to Galesburg's proposal, offers sufficient grounds to grant the application in

stations, 4 FCC Rcd 6375 (1989); See also Albany, Georgia, Marianne & Quincy, Florida, 4 FCC Rcd 2631 (1989).

³ These figures are from the engineering report attached hereto. It should be noted that Galesburg's proposal only assumes a 36,560 person increase, 10,147 persons less than Gillbro.

its own right. In the cases cited above, and many others too numerous to cite, the Commission has ultimately based its determination on the sole factor of the gain in population. Since the gain in population is substantial, Gillbro's application must be granted.

Conclusion

Therefore, after applying long-established FCC precedent, the Commission must grant Gillbro's application, and deny Galesburg's proposal. In the instant case, Gillbro's application (a) would expand Station KTWA's service to reach currently underserved areas while Galesburg's proposal would not, (b) would provide service to a greater expanded population than would Galesburg's proposal, and (c) would involve no loss of service, while Galesburg's proposal has substantial loss of service.

Accordingly, Gillbro Communications Limited Partnership hereby requests that the Federal Communications Commission grant its one-step upgrade application, and deny the competing proposal of Galesburg Broadcasting Company.

Respectfully submitted,



Vincent A. Pepper

Counsel for Gillbro Communications
Limited Partnership

August 18, 1997

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ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of GILLBRO COMMUNICATIONS LIMITED PARTNERSHIP ("Gillbro") in support of its Comments regarding its counterproposal to the Petition for Rulemaking filed by Galesburg Broadcasting Company ("Galesburg") to substitute Channel 224B1 for WGBQ(FM), Channel 224A, Galesburg, Illinois (MM Docket No. 97-130, RM-8751). In its counterproposal, Gillbro proposes to substitute Channel 224C2 for KTWA(FM), Channel 224A, Ottumwa, Iowa, rather than upgrade the Galesburg station. The Commission staff has requested engineering data regarding gain and loss area for the two proposals.

Figure 1 is a map showing the present Class A and proposed Class C2 60 db μ contours of KTWA. For purposes of this study it is assumed that KTWA presently operates with an effective radiated power of 6 kw. As clearly shown, the upgrade proposed by Gillbro results in significant gain in station coverage with no loss of service to any listener within the Class A 60 db μ contour. Indeed, based upon the 1990 US Census, the population within the 60 db μ contour will increase from 47,601 to 94,308, a gain of nearly 47,000 persons. Similarly, the area within this service contour will increase from 2,591 to 6,114 square kilometers, a gain of 3,523 square kilometers.

A similar map was prepared by Galesburg and is contained in the engineering portion of its Comments, dated July 7, 1997. Although there is a gain in population and area within the proposed WGBQ 60 db μ contour (and increase of 40,546 persons and 2,644 square

kilometers), the Galesburg proposal also creates a loss of service to nearly 2000 persons in an area of 282 square kilometers.

From this analysis alone, it is clear that the Gillbro proposal is superior to that of Galesburg, since it provides a greater gain in population and area, as well as no creation of loss area.

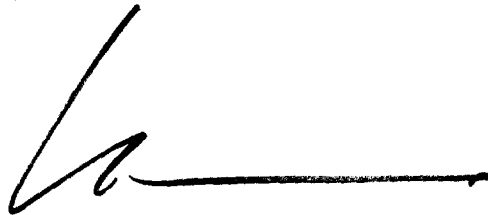
In further support of the KTWa upgrade, we conducted a comparative coverage analysis of the two proposals. Figures 2 and 3 are maps upon which we plotted the present 6 kw and proposed 60 db μ contours of KTWa and WGBQ, along with the service contours of other AM and FM stations that place a signal within the area of interest. Figures 4 and 5 are tabulations of the other stations considered in the study. Exhibits 6 and 7 are tabulations of population and area data for the service contours of KTWa and WGBQ, as well as the population and area within underserved areas within the proposed gain area arising from each station's upgrade. [The Commission considers an underserved area as that to which fewer than five aural services are provided.] Other services were considered only to the extent that at least five such services were found. Thus, additional other services may exist which have not been shown herein.

With respect to the KTWa upgrade, the station would provide additional service to 629 persons presently receiving only 3 aural services, and would serve 9,634 persons who presently receive only 4 aural services. Under the WGBQ proposal, additional service would be provided to only 13 persons who presently receive less than 5 aural services (these 13 presently receive 4 other services). Without a doubt, the KTWa upgrade will provide a much needed signal to a greater number of people living within underserved area than would a WGBQ upgrade.

SMITH AND FISHER

In conclusion, when compared with that of WGBQ, the KTWa upgrade proposal results in a greater population and area gain within the predicted 60 db μ contour, no creation of loss area, and new service provided to significantly more people living within underserved areas.

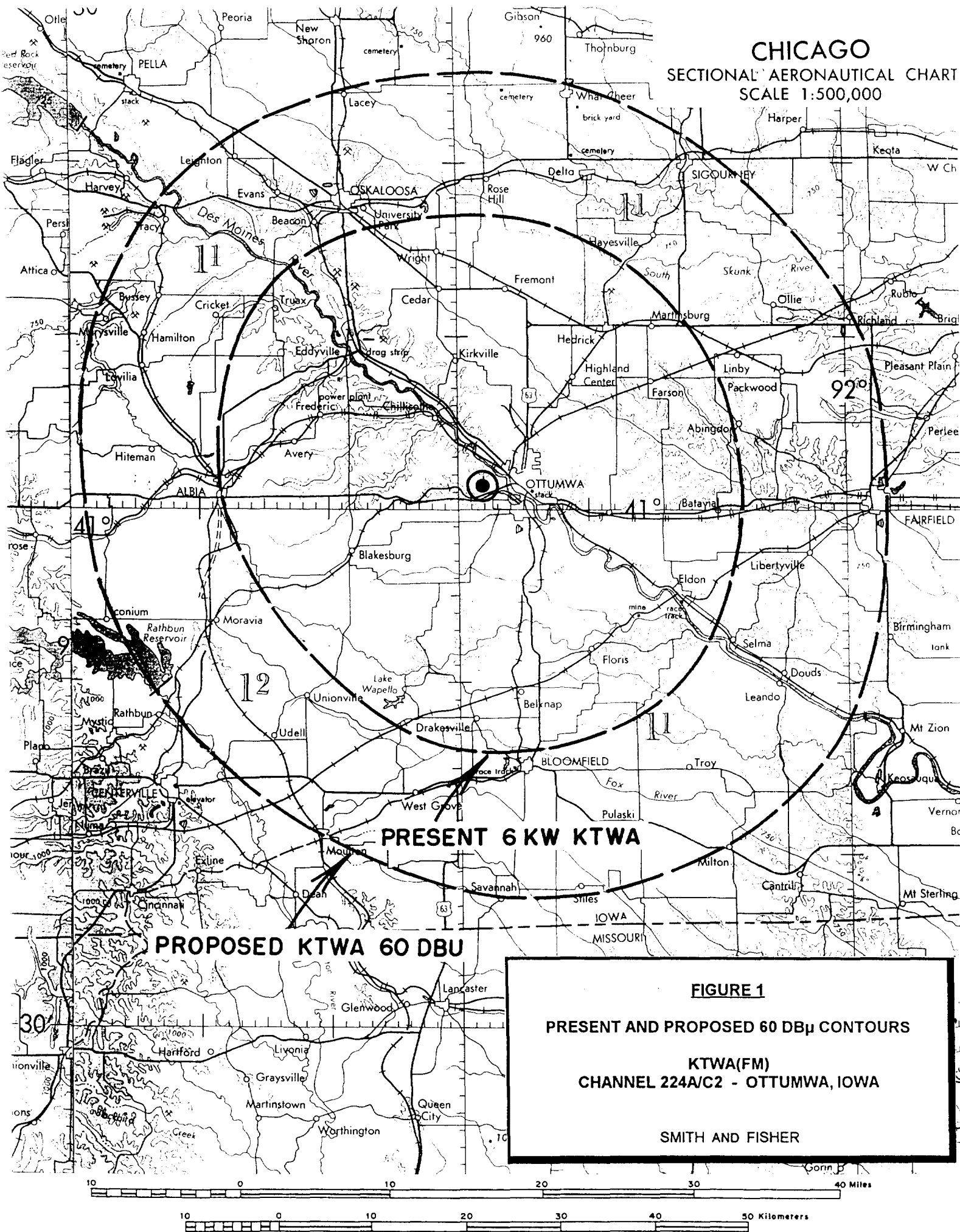
I declare under penalty of perjury that the foregoing statements and the attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to be 'Neil M. Smith', with a long horizontal stroke extending to the right.

NEIL M. SMITH

August 18, 1997

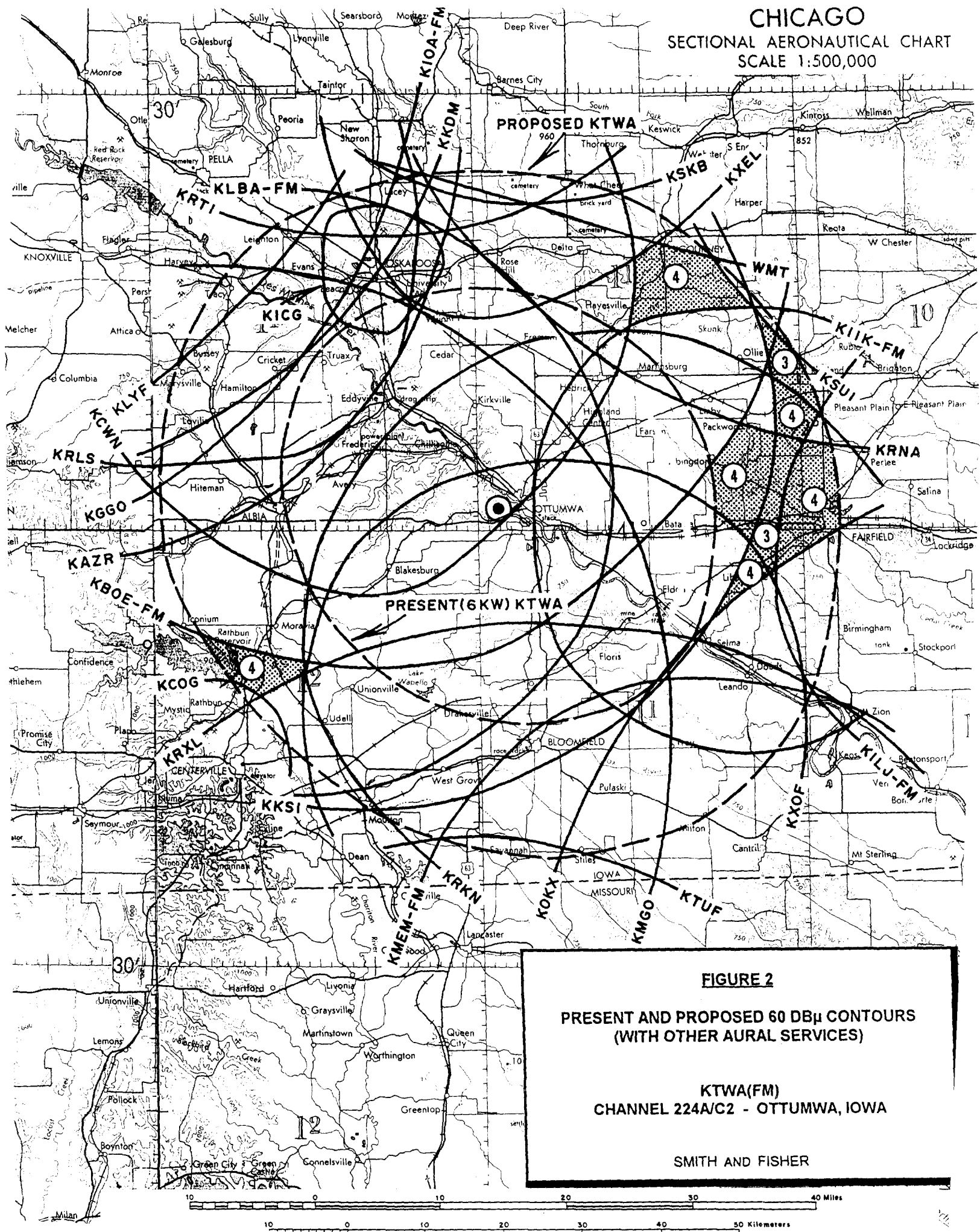
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PROPOSED WGBQ(FM)

PRESENT WGBQ(FM)

FIGURE 3
PRESENT AND PROPOSED 60 DB μ CONTOURS
(WITH OTHER AURAL SERVICES)

WGBQ(FM)
CHANNEL 224A/B1 - GALESBURG, ILLINOIS

SMITH AND FISHER

NOTE: WMAQ(AM) SERVES ENTIRE AREA

PROPOSED WGBQ(FM)

PRESENT WGBQ(FM)

FIGURE 3

PRESENT AND PROPOSED 60 DB μ CONTOURS (WITH OTHER AURAL SERVICES)

**WGBQ(FM)
CHANNEL 224A/B1 - GALESBURG, ILLINOIS**

SMITH AND FISHER

NOTE: WMAQ(AM) SERVES ENTIRE AREA

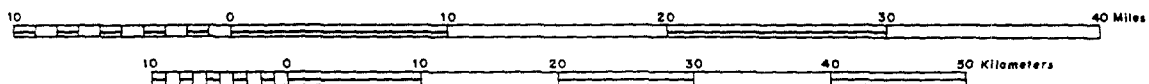


FIGURE 4

STATIONS INCLUDED IN COMPARATIVE
COVERAGE ANALYSIS

KTWA(FM) - OTTUMWA, IOWA

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Power (kw)</u>	<u>HAAT (feet)</u>
KRKN	Eldon, Iowa	282C3	23.5	341
KKSI	Eddyville, Iowa	268C2	49	499
KLBA-FM	Albia, Iowa	244C3	10	509
KXOF	Bloomfield, Iowa	292C3	8.7	377
KLIK-FM	Fairfield, Iowa	240A	4.1	400
KCWN	New Sharon, Iowa	260C3	25	282
KIGC	Oskaloosa, Iowa	204A	0.23	121
KBOE-FM	Oskaloosa, Iowa	285A	50	492
KMGO	Centerville, Iowa	254C1	100	449
KRLS	Knoxville, Iowa	221C3	15.5	308
KMEM-FM	Memphis, Missouri	263C3	25	299
KSKB	Brooklyn, Iowa	256C2	50	203
KILJ-FM	Mt. Pleasant, Iowa	288C3	24	338
KRXL	Kirksville, Missouri	233C	100	1010
KRTI	Grinnell, Iowa	294C2	50	492
KAZR	Pella, Iowa	277C1	100	745
KTUF	Kirksville, Missouri	279C2	50	492

FIGURE 4

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Power (kw)</u>	<u>HAAT (feet)</u>
KRNA	Iowa City, Iowa	231C1	100	981
KKDM	Des Moines, Iowa	298C1	100	722
KOKX-FM	Keokuk, Iowa	237C1	100	981
KIOA-FM	Des Moines, Iowa	227C	100	1063
KGGO	Des Moines, Iowa	235C	100	1066
KSUI	Iowa City, Iowa	219C	100	1293
KLYF	Des Moines, Iowa	262C	100	1699
KCOG(AM)	Centerville, Iowa	1400 kHz	0.5	
KXEL(AM)	Waterloo, Iowa	1540 kHz	50	
WMT(AM)	Cedar Rapids, Iowa	600 kHz	5	

FIGURE 5

STATIONS INCLUDED IN COMPARATIVE
COVERAGE ANALYSIS

WGBQ(FM) - GALESBURG, ILLINOIS

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Power (kw)</u>	<u>HAAT (feet)</u>
WMOI	Monmouth, Illinois	249A	3.4	440
WRMJ	Aledo, Illinois	272A	3.0	300
KKMI	Burlington, Iowa	228A	6.0	266
KGRS	Burlington, Iowa	297C1	100	430
WLMD	Bushnell, Illinois	284A	3.3	377
KBKB-FM	Ft. Madison, Iowa	269C2	50	466
KBOB	Muskatine, Iowa	259C1	100	896
KDMG	Burlington, Iowa	276C3	11.8	476
WAAG	Galesburg, Illinois	235B	50	350
KCQQ	Davenport, Iowa	293C1	60	210
KMXG	Davenport, Iowa	241C1	100	981
WHO(AM)	Des Moines, Iowa	1040 kHz	50	
WMAQ(AM)	Chicago, Illinois	670 kHz	50	
WGN(AM)	Chicago, Illinois	720 kHz	50	
WBBM(AM)	Chicago, Illinois	780 kHz	50	
WLS(AM)	Chicago, Illinois	890 kHz	50	

FIGURE 6

POPULATION AND AREA DATA
 PROPOSED KTW(FM)
 CHANNEL 224C2 - OTTUMWA, IOWA

	<u>Population</u>	<u>Area</u>	
		<u>(sq. km.)</u>	<u>(sq. mi.)</u>
Present (6 kw)	47,601	2,591	1,000
Proposed	94,308	6,114	2,361
Change	+46,707	+3,523	+1,361

Within Gain Area:

No other services	--	--	--
1 other service	--	--	--
2 other services	--	--	--
3 other services	629	60	23
4 other services	9,634	377	146
5 or more other services	36,444	3,086	1,192

FIGURE 7

POPULATION AND AREA DATA
 PROPOSED WGBQ(FM)
 CHANNEL 224B1 - GALESBURG, ILLINOIS

	<u>Population*</u>	<u>Area*</u>	
		<u>(sq. km.)</u>	<u>(sq. mi.)</u>
Present	60,295	2,309	892
Proposed	98,848	4,671	1,804
Change	+ 38,553	+ 2,362	+ 912
Loss Area	1,993	282	109
Gain Area	40,546	2,644	1,021
<u>Within Gain Area:</u>			
No other services	--	--	--
1 other service	--	--	--
2 other services	--	--	--
3 other services	--	--	--
4 other services	13	1	<1
5 or more other services	40,533	2,643	>1,020

* From Galesburg Broadcasting Company Comments,
 dated July 7, 1997, in MM Docket No. 97-130, RM- 8751

CERTIFICATE OF SERVICE


I, Lisa A. Skoritoski, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that on this 18th day of August, 1997, copies of the foregoing Comments of Gillbro Communications Limited Partnership were mailed, postage prepaid, to the following:

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*Indicates Hand Delivery



Lisa A. Skoritoski